IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.571 OF 2004

In

WRIT PETITION NO.2685 OF 1994

Saraswati Devichand Shah : Petitioner

V/s.

Union of India & Ors. : Respondents

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Mr.R.V.Govilkar with Mr.G.S.Pikale i/b. M/s.S.V. Pikale & Co., for the petitioner in support.

Mr.Y.R.Mishra with Mr.S.S.Pakale for the respondents to show cause.

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CORAM : S.RADHAKRISHNAN & S.A.BOBDE, JJ.

October 15, 2004.

P.C.:

1. Heard the learned counsel for the petitioner and the respondents.

2. By this Notice of Motion, the petitioner is seeking recall of the order dated 22.9.2004 passed in the above Writ Petition.

3. Perused the affidavit-in-support of the Notice of Motion. Sufficient cause is made out for recalling the said order dated 22.9.2004. There is no case of inaction, negligence or want of bona fides on the part of the petitioner. In view thereof, the Notice of Motion is made absolute in terms of prayer clauses (a) and (b), subject to the petitioner depositing a sum of Rs.1,000/- as costs with the Maharashtra State Legal Services Authority within a period of two weeks from today, which is a condition precedent. In case the amount is deposited as directed above, place the Writ Petition for final hearing on 1.12.2004.

Sd/-

(S. RADHAKRISHNAN, J.)

Sd/-

(S.A. BOBDE, J.)